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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

VOLTAGE PICTURES, LLC,

Case No.: 3:13-cv-00839-AA

Plaintiff,

v.

DOE, a/k/a IP 67.168.196.52

ORDER ON PLAINTIFF'S *EX PARTE*
MOTION TO EXPEDITE DISCOVERY

Defendant.

ORDER ON PLAINTIFF'S *EX PARTE* MOTION TO EXPEDITE DISCOVERY

This matter came before the court upon plaintiff's *ex parte* Motion to Expedite Discovery specifically related to plaintiff's request to serve a Rule 45 subpoena on internet service provider ("ISP") Comcast prior to a Rule 26(f) Conference.

The court being duly advised does hereby FIND AND ORDER:

1. Plaintiff has established "good cause" for it to serve a third party subpoena on Comcast for the internet protocol ("IP") address listed in paragraph 14 of the complaint to identify and specifically name the Doe defendant.
2. Plaintiff may serve Comcast with a Rule 45 subpoena commanding Comcast to provide plaintiff with all subscriber identifying information, which shall include the true name,

address, telephone number, contact information and e-mail address of the Doe defendant set forth in paragraph 14 of the complaint.

3. Subscriber identifying information to be provided to plaintiff as identified above shall not include photographs, emails, or the content of communications which may be subject to The Stored Communications Act, 18 U.S.C. § 2701, et seq., but shall be limited to subscriber identifying information that may assist plaintiff in identifying the Doe defendant.

NOTICE TO CABLE OPERATORS
(Cable Communications Act of 1984)

4. If an ISP subpoenaed qualifies as a “cable operator,” as defined by 47 U.S.C. § 522(5), which states: the term “cable operator” means any person or group of persons (a) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (b) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system, such ISP is notified that 47 U.S.C. § 551(c)(2)(C) contains a requirement that a cable operator provide the subscriber the opportunity to prohibit or limit such disclosure.

5. To satisfy that requirement, each ISP will have fourteen (14) days from the date of service upon it to serve the defendants with a copy of the subpoena and a copy of this Order. The ISP may serve the defendant by any reasonable means, including written notice sent to the identified subscriber’s last known address by first class mail or overnight delivery service.

6. Defendant shall have thirty (30) days to file any motions in this court contesting the subpoena, including a motion to quash or modify the issued subpoena.

7. If the defendant does not contest the subpoena within the thirty day period, the ISP shall have fourteen (14) days to submit information responsive to the subpoena to Voltage Pictures, LLC.

8. If the ISP wishes to challenge the subpoena, it must do so before the return date of the subpoena. The subpoena must allow for at least sixty (60) days from service to production.

9. The subpoenaed entity shall preserve all subpoenaed information pending delivery of such information by the ISP to Voltage Pictures, LLC, or the final resolution of a timely filed and granted motion to quash the subpoena regarding that information.

10. A copy of this Order must be served with all subpoenas.

11. The ISP may invoice Voltage Pictures, LLC for reasonable costs incurred in responding to a subpoena issued pursuant to this Order, and Voltage Pictures, LLC is directed to pay all such reasonable costs.

12. Information disclosed in response to a subpoena issued pursuant to this Order may only be used for protecting and enforcing Voltage Pictures, LLC's rights as set forth in its complaint.

ORDERED this ____ day of _____, 2013.

By: _____
UNITED STATES DISTRICT JUDGE

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